

AL-14000-9693

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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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STAFF DIRECTOR

May 15, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. McCarthy:

On April 10, 2013, Senator Vitter and I wrote to you in your capacity as the Assistant Administrator for the Office of Air and Radiation regarding several issues at the Environmental Protection Agency. These issues included the agency's non-compliance with federal records laws, failure to cooperate with congressional oversight, and the agency's numerous attempts to avoid transparency and conceal its problems.¹ In particular, Senator Vitter and I pointed out that EPA was operating under the false pretense that its responses to Freedom of Information Act requests constituted productions in response to congressional document requests. EPA also appeared to be improperly redacting portions of documents in its FOIA responses.²

In the April 10 letter, we requested four sets of documents, including specific documents that EPA had previously provided to other entities in response to FOIA requests. On April 25, 2013, in an effort to accommodate EPA's expressed interest in an efficient document production process, Committee staff prioritized certain categories of documents requested in the April 10 letter.³ These documents included 106 redacted e-mails that EPA had previously released to the public pursuant to separate FOIA requests. The letter requested that the e-mails be provided in unredacted form to Congress.

Although EPA initially indicated that it would cooperate with the Committee's request, such cooperation never actually materialized. This change in position, which became a steadfast refusal, was contrary to EPA's initial willingness to cooperate. Therefore, on June 27, 2013, Senator Vitter and I wrote to then-Acting Administrator Bob Perciasepe to urge EPA to produce

¹ Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (OGR), & Hon. David Vitter, Ranking Member, S. Comm. on Env't & Pub. Works (EPW), to Hon. Gina McCarthy, Ass't Adm'r, Office of Air and Radiation, U.S. Env'tl. Protec. Agency (Apr. 10, 2013).

² *Id.* As the April 10, 2013, letter makes clear, the EPA's reliance on its FOIA responses that include FOIA exemptions in response to Congressional inquiries is in direct conflict with the law. Congress is not included within the scope of FOIA, and agencies cannot use FOIA exemptions to withhold information from Congress.

³ Teleconference between EPW staff, OGR staff, & EPA staff (Apr. 25, 2013).

the unredacted documents pursuant to our April 10 letter.⁴ EPA still did not produce the requested documents.

Over three months later, the reason for EPA's change of position relating to the Committee's investigation became clear. On September 30, 2013, EPA responded to a FOIA request from Cause of Action, a non-partisan government accountability organization.⁵ In the response, EPA released a partially redacted June 13, 2013, e-mail from Kevin Minoli, the EPA Acting Principal Deputy General Counsel, to Daniel Dominguez, a Special Assistant to the President at the White House. The e-mail stated:

Folks here would like to send up a second set of documents in response to the attachment to the Issa/Vitter April 10th letter that has a list of 106 documents they want in unredacted form. . . . Please take a look and lets [sic] discuss early next week.⁶

As of September 30, the Committee still had not received the 106 e-mails that Mr. Minoli mentioned in his e-mail to the White House. This creates the appearance that, even though EPA was willing to produce unredacted copies of the 106 documents in response to the Committee's request, the White House blocked it from doing so. The previously unknown White House involvement in EPA's refusal to produce unredacted copies of the documents was highly suspicious, and raised questions about possible White House obstruction of congressional oversight.

In order to finally obtain a copy of the 106 e-mails first requested in April 2013, and to uncover the extent of the White House's intervention and possible obstruction, on November 7, 2013, I issued a subpoena to you. The subpoena required that you produce, in unredacted form:

1. All documents and communications between and among employees of the U.S. Environmental Protection Agency and employees of the Executive Office of the President, including, but not limited to, the White House Office and the Office of Management and Budget, referring or relating to congressional requests for information.
2. All documents identified in the Addendum to Request 4 attached to the April 10, 2013, letter to EPA Administrator Gina McCarthy from House Oversight and Government Reform Committee Chairman Darrell Issa and Senate Committee on Environment and Public Works Ranking Member David Vitter, a copy of which is attached hereto.⁷

⁴ Letter from Hon. Darrell Issa, Chairman, OGR, & Hon. David Vitter, Ranking Member, EPW, to Hon. Bob Perciasepe, Acting Adm'r, EPA (June 27, 2013).

⁵ Related Documents: White House Equities in FOIA Requests, Cause of Action (Apr. 2, 2014), *available at*: <http://causeofaction.org/related-documents-white-house-equities-foia-requests/>.

⁶ E-mail from Kevin Minoli, Acting Principal Deputy Gen. Counsel, EPA, to Daniel Dominguez, Special Assistant to the President, White House (June 13, 2013).

⁷ OGR, Subpoena to Hon. Gina McCarthy, Adm'r, EPA (Nov. 7, 2013).

The following week, EPA responded to this subpoena and finally produced, as required by law, the 106 documents referenced in paragraph two of the subpoena schedule—the same documents the White House apparently prevented EPA from producing five months earlier. When the Committee was finally able to review the unredacted e-mails, it was clear that the redactions applied to the FOIA production were made to hide embarrassing conversations between EPA staff. The redactions were not, in fact, covered by the FOIA exemptions cited by EPA. It is unacceptable for EPA to hide behind improper FOIA redactions.

Just as concerning, EPA has not produced a single document under paragraph one of the subpoena schedule. In fact, EPA Associate Administrator Laura Vaught wrote:

[T]he letter accompanying your subpoena raises the question of whether any entity interfered with the EPA's efforts to comply with your original request. I want to assure you that absolutely nothing of that sort occurred.⁸

Vaught made this assurance despite the existence of the June 13, 2013, e-mail in which EPA asked the White House about producing documents to the Committee. In spite of this unequivocal assurance, nearly six months later, EPA has yet to produce a single document responsive to subpoena paragraph one. EPA's refusal to comply with the legal obligations of the subpoena casts doubt on the reliability of Ms. Vaught's claim.

During a November 26, 2013, phone call, EPA staff complained both about the scope of paragraph one of the subpoena schedule and the fact that EPA needed to search for, and identify, the documents required under the subpoena.⁹ Committee staff suggested that EPA could begin its production by simply providing an unredacted copy of the June 13, 2013, e-mail between Kevin Minoli and Daniel Dominguez. To this day, EPA has not produced that e-mail. The fact that EPA has refused to produce a single document under paragraph one of the subpoena—a document that EPA partially released in response to a FOIA request—is an affront to the Committee's duty to conduct Constitutionally-mandated oversight of the Executive Branch.

At a February 6, 2014, meeting with EPA staff, Committee staff relayed my displeasure that EPA had not produced a single document under paragraph one of the subpoena schedule.¹⁰ EPA staff stated that they would "take back" my concerns, and insinuated that these documents might implicate executive privilege. Yet, more than three months later, EPA has still not produced a single document, and the President has not invoked executive privilege to prevent their release. Absent a proper invocation of executive privilege, you are legally required to produce these documents.

Despite EPA's obligation to cooperate with this Committee's oversight of the Executive Branch, it is apparent that, after six months of contumacious behavior, EPA has no intention of cooperating. EPA has failed to reciprocate the Committee's considerable efforts to

⁸ Letter from Laura Vaught, Assoc. Adm'r, EPA, to Hon. Darrell Issa, Chairman, OGR (Nov. 14, 2013).

⁹ Phone call between OGR staff & EPA staff (Nov. 26, 2013).

¹⁰ Meeting between OGR staff & EPA staff (Feb. 6, 2014).

The Honorable Gina McCarthy
May 15, 2014
Page 4

accommodate the agency's interests. That is unfortunate. Without EPA's voluntary cooperation, the Committee will have no alternative but to consider avenues to enforce compliance with the subpoena in order to obtain these documents. These documents are essential in determining whether White House or EPA employees have engaged in illegal conduct by actively obstructing this Committee's investigation. If no such activity occurred, as EPA assures the Committee, then EPA should have no difficulty whatsoever in producing these documents to the Committee immediately.

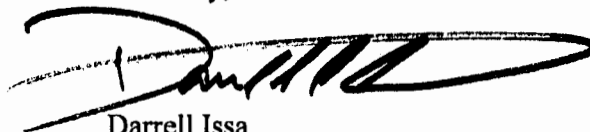
Therefore, please produce all documents pursuant to paragraph one of the November 7, 2013, subpoena as soon as possible, but no later than 5:00 p.m. on May 29, 2014. The Committee will consider the full range of options to enforce the subpoena if EPA continues to withhold documents covered by the subpoena.

The EPA's posture with respect to the Committee's oversight is, unfortunately, consistent with a pattern that has been observed at several other federal agencies. The alarming frequency with which legislative affairs staff put up roadblocks—including citing privileges that do not apply to Congress, withholding documents to protect vague institutional interests, and treating subpoenas like FOIA requests, among many others—creates the appearance that it is the Administration's policy to obstruct congressional oversight. Alternatively, legislative affairs staffs throughout the federal bureaucracy lack the ability or the tools to respond efficiently to congressional document requests. So that the Committee can better understand how and why EPA has been unable or unwilling to cooperate, please make the following individuals available for transcribed interviews:

1. Kevin Minoli, Acting Principal Deputy General Counsel
2. Tom Dickerson, Senior Legislative and Oversight Counsel

Thank you for your attention to this request. Please contact Tyler Grimm of the Committee staff at (202) 225-5074 if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell Issa', with a large, sweeping flourish extending to the right.

Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 03 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

I am writing in response to your letter of May 15, 2014, in which you express concern regarding the level of cooperation from the U.S. Environmental Protection Agency (EPA or the Agency) in responding to congressional oversight and which requests transcribed interviews of two career employees of the EPA who are working on the Agency's responses to those requests.

The EPA recognizes Congress's important role in oversight, and works daily to respond to letters, document requests and subpoenas from multiple Congressional Committees and individual Members of Congress. Currently EPA's legislative affairs staff is working with others throughout the Agency to fulfill multiple, simultaneous requests and subpoenas by the House Oversight and Government Reform Committee alone. In preparing documents for production to your Committee – or any Congressional Committee for that matter – EPA legislative and other staff must take many steps to ensure a complete production. First, after carefully reviewing and analyzing a request, these staff must define search terms to ensure collection of relevant documents and identify appropriate staff with potentially relevant documents. Thereafter, we allow for the collection of electronic and hard-copy documents, frequently from many sources across the country. Upon collection, the documents are reviewed for responsiveness, as well as for content including confidential matters, personal identifiable information and other sensitive material, and are marked accordingly.¹ Notwithstanding that effort, over the last 6 months alone, the EPA has produced thousands of documents – including tens of thousands of pages – to your Committee. Throughout the productions, our staff have frequent email and telephone discussions relating to the timing and priority of productions, again all in an effort to meet the

¹ The House Oversight and Government Reform Committee has shared documents outside of Congress, including posting documents on its website. Many of our produced documents relate to internal, pre-decisional deliberations, and relate to either pending or anticipated litigation where the Agency may assert privilege over the documents. In order to take steps to protect any and all privileges and to ensure that such claims are not waived, the delay for watermarking is a necessity to protect potential litigation positions of the United States.

Committee's needs and priorities within the confines of Agency's resources. In addition to document production, our staff has worked cooperatively with your staff to answer outstanding questions, and to offer and provide substantive briefings on these issues.

The Agency's response to your current request is further illustration of our commitment to cooperate in good faith with the Committee's requests for information. Indeed, in response to your May 15th letter, EPA staff has offered several briefings to ensure that your Committee has visibility into the general process by which the Agency responds to the Committee's requests and subpoenas. Members of our staff met in person with your staff on May 28, 2014, and were prepared at that time to give the first of such briefings. At that time, your staff indicated that a briefing should not be undertaken. We have continued to work with your staff, and that offer has been reiterated.

While we have been forward leaning in our attempts to be responsive to the May 15, 2014 letter, and specifically to rebut the notion that "the Agency is unable or unwilling to cooperate" with your Committee, we are concerned that subjecting Agency personnel responsible for coordinating its oversight response to transcribed interviews would create an imbalance between two co-equal branches of government. Separation of powers concerns are implicated where, as here, Agency personnel could be chilled in the candor and quality of their internal deliberations on oversight matters, or made reluctant to faithfully and fully represent the legitimate institutional interests of the Executive Branch. As we have discussed, the net effect of providing transcribed testimony would be very damaging to the Agency's ability to respond independently and effectively to on-going and future oversight inquiries.

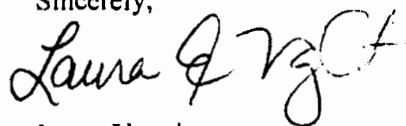
The request for transcribed interviews with career agency staff also has the effect of undermining the professional relationship developed between our two staffs. Our staff work closely with staff from your Committee to engage in open and frank discussions about oversight priorities and opportunities for identifying appropriate methods of efficiently addressing your oversight concerns. These discussions are critical to ensuring that the Committee's investigations are effective, while minimizing the expenditure of Agency resources – a goal we share as responsible stewards of taxpayer funds. Requiring Agency staff to submit to transcribed interviews when the Committee determines that the Agency's response is somehow unacceptable undermines these important goals.

Again, the EPA recognizes Congress's important role in oversight. Based upon the foregoing, however, I urge you to reconsider your request for transcribed interviews. We reiterate our willingness to conduct briefings to provide your staff with visibility into our processes. I anticipate that these sessions would enable you to understand how the Agency has conducted its responses to the Committee's document requests and subpoenas without any of the concomitant negative impacts associated with conducting transcribed interviews under these circumstances. If, however, after having the benefit of those briefings you remain concerned that you don't have adequate visibility into the EPA's processes and efforts to comply with your Committee, we remain open to discussing the issue further at that time.

Finally, your May 15, 2014 letter makes clear your concern that another federal entity may have interfered with EPA's efforts to provide you with a copy of 106 emails first requested in April 2013. As I have stated in earlier letters to the Committee I want to assure you that absolutely nothing of this sort occurred. We are prepared in the context of briefings to provide you greater visibility into that exchange.

We look forward to further discussions in this regard. If you have additional questions, please contact me, or your staff may contact Nichole Distefano in my office at Distefano.nichole@epa.gov or (202) 564-1110.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Vaught", with a stylized flourish at the end.

Laura Vaught
Associate Administrator

cc: The Honorable Elijah E. Cummings
Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 09 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I write in further response to your May 15, 2014, letter regarding the November 7, 2013, subpoena *duces tecum* to the United States Environmental Protection Agency (EPA).¹ The EPA produced all documents responsive to paragraph two (hereinafter referred to as "the 106 documents") on November 14, 2013.

Your May 15, 2014, letter states that you continue to seek production of all documents pursuant to paragraph one of the subpoena.² That letter, as well as the correspondence that accompanied the subpoena, make clear that your oversight interest in the documents covered by the first paragraph stems from a concern that the White House had obstructed EPA's response to your original request for the 106 documents. Your concern emanates from having seen only one side of an email exchange between Kevin Minoli of the EPA's General Counsel's Office and Daniel Dominguez, an attorney in the White House Counsel's Office, related to those documents.

As we have explained since November 14, 2013, both in correspondence and in conversations with your staff, the White House Counsel's Office provided a timely reply and did not interfere in any way with the EPA's response to your request. For example, on December 9, 2013, I wrote to you explaining that "[t]he EPA has reviewed the entirety of the email chain and it

¹ The November 7, 2013 subpoena calls for production of unredacted versions of two sets of documents:

1. All documents and communications between and among employees of the [EPA] and employees of the Executive Office of the President, including but not limited to, the White House and the Office of Management and Budget, referring or relating to congressional requests for information.
2. All documents identified in the Addendum to Request 4 attached to the April 10, 2013, letter to EPA Administrator Gina McCarthy from House Oversight and Government Reform Committee Chairman Darrell Issa and Senate Committee on Environment and Public Works Ranking Member David Vitter [].

² Although your letter sets out a response date of May 29, 2014, your staff verbally agreed to extend that date to June 9, 2014.

demonstrates that the White House Counsel's Office provided the EPA with timely consultation regarding specific documents in response to the EPA's request for consultation. Rather than indicating any White House interferences with the EPA's response to your request, the entirety of the email chain clearly demonstrates that nothing of the sort occurred during the consultation process." In that same letter, I noted that I was prepared "to more fully describe the remainder of that email chain to you and your staff." Although that offer was never accepted by your staff, the next demand for these documents from the Committee was when you raised the issue in the context of a hearing on another matter with Deputy Administrator Perciasepe on May 7, 2014, and shortly thereafter in your May 14th letter. In response, and again as a sign of our keen interest in working with the Committee to allay its concerns in this regard, on June 2, 2014, EPA made a further offer of accommodation indicating that *in the context of briefings* we are prepared to provide greater visibility into that exchange. We reiterate that offer here, and inform you that during the briefing, we will permit Committee staff to review *in camera* the entire email chain.

Paragraph one of your subpoena, however, seeks the release of *all* communications between the EPA and the Executive Office of the President ("EOP") referring or relating to "any congressional requests for information" for a nearly 5 year period, from January 1, 2009 to November 7, 2013. This request is greatly overbroad, indiscriminate, and (to our knowledge) an unprecedented demand for all oversight-response communications between an agency and the EOP. Compelled production of these internal Executive Branch documents to a congressional committee would chill the candor and completeness of the communications between the EPA and the EOP, thereby interfering with EPA's and EOP's ability to communicate with each other. In short, your demand raises significant separation of powers concerns, would impair the Executive Branch's ability to respond independently and effectively to congressional oversight, and would ultimately disserve our two co-equal branches of government.

The EPA takes Congress's oversight activities very seriously. As we've recently noted in a separate letter, the EPA is currently working on multiple, simultaneous document productions to the Committee. We believe that our proposed accommodation, namely, a briefing and a review of the entire email exchange in question, will serve to directly address and resolve the basis of your inquiry. If you have additional questions, please contact me, or have your staff contact Nichole Distefano at distefano.nichole@epa.gov or (202) 564-1110.

Sincerely,

A handwritten signature in black ink that reads "Laura I Vaught". The signature is fluid and cursive, with a large, stylized "V" and "A".

Laura Vaught
Associate Administrator

cc: The Honorable Elijah Cummings, Ranking Member

Congress of the United States
Washington, DC 20515

April 7, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Ms. McCarthy,

The House Committee on Oversight and Government Reform (OGR) and the Senate Committee on Environment and Public Works (EPW) are engaged in a joint investigation into the details surrounding the fraudulent conduct of convicted felon and former Environmental Protection Agency senior official John Beale. Most recently, EPW minority staff issued a memorandum¹ as well as a report, *EPA's Playbook Unveiled: A Story of Fraud, Deceit, and Secret Science*,² that details how profoundly another former EPA senior official, Robert Brenner, was entangled in Beale's misconduct. These findings were in part based on testimony Brenner provided at the OGR hearing *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale*,³ as well as an OGR staff deposition of Beale.⁴ Throughout our joint investigation, evidence strongly suggests that Brenner facilitated Beale's fraud. For this reason, we respectfully request EPA's full cooperation with our joint investigation.

The need for Congress to investigate the exact nature of Brenner's role is underscored by the fact that he has so far refused to cooperate with the EPA Office of Inspector General (OIG) and declined to respond to a request for information from EPW's Ranking Member.⁵ More troublingly, we have evidence that suggests Brenner — whom then-EPA Administrator Lisa Jackson awarded a Distinguished Career Service Award⁶ —

¹ Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

² S. COMM. ON ENV'T & PUB. WORKS MINORITY STAFF, *EPA'S PLAYBOOK UNVEILED: A STORY OF FRAUD, DECEIT, AND SECRET SCIENCE* (2014), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=b90f742e-b797-4a82-a0a3-e6848467832a.

³ *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113th Cong. (Oct. 1, 2013).

⁴ Transcript of John C. Beale Deposition, H. Comm. on Oversight & Gov't Reform, 113th Cong. (Dec. 19, 2013), available at <http://oversight.house.gov/wp-content/uploads/2014/01/Beale-Deposition.pdf>.

⁵ See Letter from Justin Shur to Republican Staff, S. Comm. on Env't & Pub. Works (Nov. 8, 2013).

⁶ See PANEL BIOGRAPHIES: ROBERT D. BRENNER, EPA'S CARE PROGRAM 100TH GRANT CELEBRATION PARTNERSHIP PANEL BIO SKETCHES (2011), available at <http://www.epa.gov/care/documents/2011Panelbios.pdf>.

provided false testimony before Congress when he discussed his reasons for recruiting and hiring Beale.⁷

Despite his lack of cooperation, the Committees have learned of several key damaging facts that implicate Brenner with Beale's misconduct. Brenner hired Beale at an outrageously high salary — the highest possible salary for a General Schedule employee — despite Beale's admitted lack of environmental policy experience.⁸ We also know that Brenner nominated Beale for two retention incentive bonuses that led to overpayments totaling at least \$573,364.60.⁹ It also appears the documentation Brenner submitted for these bonuses contain materially false information to which Brenner attested.¹⁰ Additionally, Brenner recommended Beale for the promotion to Senior Leader that eventually elevated Beale's salary to exceed the statutory threshold for employees at his pay grade.¹¹ In each of these instances, Brenner's actions facilitated Beale's fraud.

Moreover, we have learned that Brenner often corroborated Beale's lies. For example, when a former Deputy Assistant Administrator for the Office of Air and Radiation asked Brenner questions about Beale's absence and alleged poor health, Brenner would assert that Beale would be in the next day.¹² In light of these troubling facts, it appears Beale could not have accomplished his crimes without Brenner's assistance.

Given Brenner and Beale's close and troubling relationship during their long tenures at EPA, documents currently in the EPA's possession are crucial to the Committees' ability to get to the bottom of the Beale matter. Accordingly, the Committees request that the EPA produce all of Brenner's documents that refer or relate to Beale created between time Beale was first hired in November 1987 and Brenner's retirement in August 2011. We also request that EPA produce all correspondence between Brenner and Beale that occurred during that same time period. Given your representations to the EPW Committee of having "no[]" hesitation "at all" about cooperation with our investigation of the Beale matter¹³ and Deputy Administrator Perciasepe's willingness to "expedite" document productions to the OGR Committee in the Beale matter,¹⁴ we expect your cooperation in promptly fulfilling this request, and producing the requested documents no later than April 23, 2014.

⁷ See EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 2–6.

⁸ Transcript of John C. Beale Deposition, *supra* note 4, at 13.

⁹ See EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 7–19.

¹⁰ See Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

¹¹ EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 9–10.

¹² *Id.* at 7.

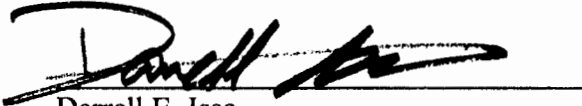
¹³ *Review of the President's Climate Action Plan, Hearing Before the S. Comm. on Env't & Pub. Works*, 113th Cong. (Jan. 26, 2014) (testimony of Hon. Gina McCarthy).

¹⁴ *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113th Cong. (Oct. 1, 2013) (testimony of Hon. Robert Perciasepe).

Ms. McCarthy
April 7, 2014
Page 3 of 3

If you have any questions regarding this request, please contact Tyler Grimm with the House OGR Committee at (202) 225-5074 or Kristina Moore with the Senate EPW Committee at (202) 224-6176.

Sincerely,



Darrell E. Issa
Chairman
House of Representatives Committee
on Oversight and Government Reform



David Vitter
Ranking Member
Senate Committee on
Environment and Public Works

cc: Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform
Barbara Boxer, Chairman, Committee on Environment and Public Works



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 02 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in response to your letter of April 7, 2014, in which you requested "all of [former EPA employee Robert] Brenner's documents "that refer or relate to [John] Beale created between [the] time Beale was first hired in November 1987 and Brenner's retirement in August 2011" and "all correspondence between Brenner and Beal[e] that occurred during that same time period."

The EPA has initiated the process of locating, collecting, and reviewing the documents you have requested. Although this process is ongoing, the EPA has identified a set of responsive documents that we are providing with this letter. The EPA expects to make productions of responsive documents on a rolling basis as we have processed them.

If you have further questions, please contact me, or your staff may contact Tom Dickerson in my office at dickerson.tom@epa.gov or (202) 564-3638.

Sincerely,

A handwritten signature in black ink, reading "Laura Vaught", is positioned above the printed name.

Laura Vaught
Associate Administrator

Enclosures

cc: The Honorable Elijah E. Cummings
Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 02 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable David Vitter
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

I am writing in response to your letter of April 7, 2014, in which you requested "all of [former EPA employee Robert] Brenner's documents "that refer or relate to [John] Beale created between [the] time Beale was first hired in November 1987 and Brenner's retirement in August 2011" and "all correspondence between Brenner and Beal[e] that occurred during that same time period."

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If you have further questions, please contact me, or your staff may contact Tom Dickerson in my office at dickerson.tom@epa.gov or (202) 564-3638.

Sincerely,

A handwritten signature in black ink that reads "Laura J. Vaught". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Laura Vaught
Associate Administrator

Enclosures

cc: The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works